



Goddard Space Flight Center's IPP Office **Software Intellectual Property Protection & the Software Release Process**

presented
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Dale Clarke

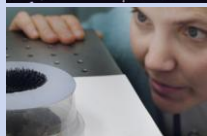
Software Release Authority Assistant
Innovative Partnerships Program Office





Course Overview

- **Introduction to Innovative Partnerships Program (IPP)**
- **Software Release Process**
 - Reporting developed software (NTRs)
 - Determining the release level/category
 - Processing requests for software release
- **Benefits of Reporting**
- **Summary**



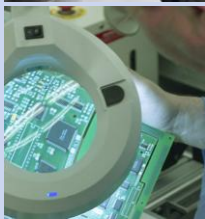


The IPP Office: What We Do

- Identify technologies to be reported
- Evaluate NASA technologies/needs
- Find licensees/partners
- Negotiate agreements
- Publicize successes
- Seek awards and recognition for GSFC innovators and successes
- Software Release Authority (SRA)
- <http://ipp.gsfc.nasa.gov>

We make technology transfer happen ³

<http://ipp.gsfc.nasa.gov>





Software Release: *The Big Picture*

1. Software is reported via NTR

Inventor files NTR before public release (distributing, publishing, presenting)

2. Requests for SW are received/processed

**Requested by civil servant
Assessment/Review by**

- IPP Office (tech transfer)
- Patent Counsel
- OPC generates SUA
- Export Control
- IT Security

**SRA has final approval
Inventor handles distribution**

3. Release level is determined

SRA=Software Release Authority
SUA=Software Usage Agreement

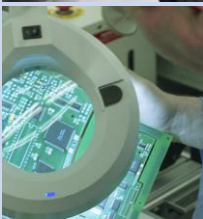
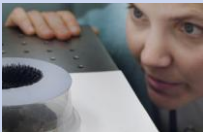




As a Software Inventor/Author...

- **You should document new technology developed**
 - Keep notebooks to prove inventorship
 - Remember that software is intellectual property (IP)
 - Report via eNTRe (<http://entre.nasa.gov>)
- **You are responsible for protecting software IP from improper use**
 - Always ensure that the appropriate agreement is in place before disseminating
 - When in doubt, contact the SRA Assistant

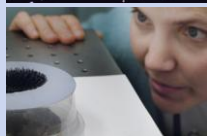
You should fully understand the implications of releasing your software





Step 1: Report Software Invention

- New Technology Report (NTR)
- Reporting the development of new technologies or innovations (*including software*) to NASA
- Required of NASA civil servants
- Required in most NASA contracts since 1966
 - Large-business contractors and for-profit organizations working under contracts, grants, or cooperative agreements
 - Small-business contractors, non-profits, colleges, and universities
- **NASA Policy Directive 2091.B** [Each employee who makes an invention [whether or not the invention was made during working hours, was made with a contribution of Government resources (facilities, equipment, materials, funds, or information, or of the time or services of other Government employees on official duty), or bears a direct relationship to, or is made as a consequence of, the official duties of the employee] is required to submit to the Office of the General Counsel, or to the delegated Center Patent or Intellectual Property Counsel, a disclosure of such invention. Such disclosure should be made through the NASA electronic New TECHNOLOGY REPORTING (eNTRe) system available at <http://invention.nasa.gov/>.]





When to File a Software NTR

- **As soon as you recognize you have a new innovation (software too)**
 - Maybe in middle of project while R&D is ongoing
 - Maybe at end during normal project reporting
- **Before public disclosure**
- **Even software and technologies that you think do not have commercial applications should be reported**
 - All are inventoried in TechTracS
 - Let IPP determine potential (maybe a use you haven't thought of)

If you think it might be too early file an NTR, contact the IPP for advice – Better too early than too late





Why to File a Software NTR

- **It's required** (prior to publishing or presenting)
- **Goddard's IPP must determine whether to pursue active tech transfer**
- **Goddard's patent counsel must determine ownership and file patent application**
 - Filing a patent application protects NASA's rights to the invention
 - Failure to file before disclosing (publishing/presenting)
 - Prevents the ability to secure foreign patents
 - Starts 1-year clock ("stat bar") for filing for U.S. patent
- **NTR needed for award eligibility**





Step 2: Process Release Requests

- **SRA assistant receives software release request**
 - NTR ***must*** have been filed
 - Request must come from a civil servant
- **Request must include three forms**
 - Export Control Form
 - IT Security (Global Concerns) Form
 - Preliminary Questionnaire





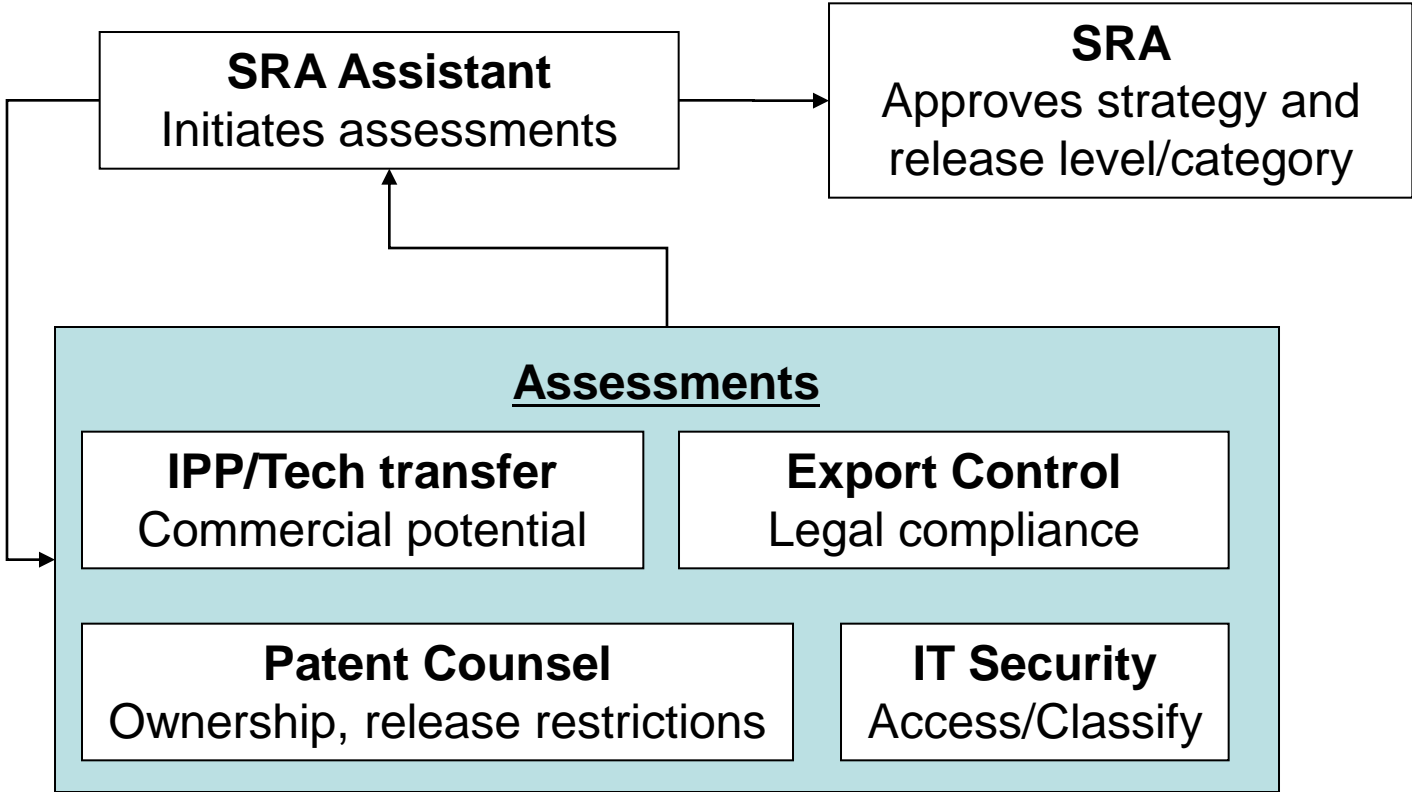
Step 3: Release Level

- **U.S. government purpose release**
 - Project release
 - NASA release
 - Interagency release
- **General U.S. release only**
 - Release of software for U.S. use only
- **U.S. and foreign release**
 - Software that has special benefits (health, safety, economics)
 - Usual level sought for licensing purposes
- **Open source release**
 - Newest release category
 - <http://opensource.gsfc.nasa.gov/>
- **General public release**
 - Broadest range of release
- **For definitions of release levels/categories**
 - <http://ipp.gsfc.nasa.gov/SRA/categories.htm>





Step 3: Release Level Determined



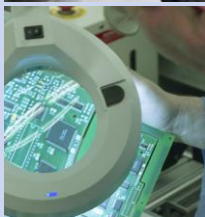
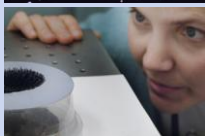
NASA Goddard Space Flight Center





Innovative Partnerships Program Staff

- **Assesses software's commercial potential**
 - Establishes extent of current and potential use
 - Identifies potential partners
- **Recommends level/type of release**
- **Determines the technology transfer strategy**
 - Assists in establishing IP position
 - Determines appropriate agreement vehicles
 - Develops software dissemination and marketing plan
 - Implements technology transfer strategy
 - Considers Goddard strategic position for future infusion





Patent Counsel

- **Determines ownership of software**
 - Joint works by NASA employees and contractors generally are jointly owned and assignable
 - By law NP, CU, SB own technology for the first 2 years
 - Must decline or elect title within that 2 year period
 - LE has an 8 month period to request a waiver and elect title





Patent Counsel

- Determines ownership of software
- **Determines suitability of software for patent and/or copyright protection**
- **Patents**
 - Preserve the rights to use the invention
 - Enhance the technology's value and generate income (licenses)
- **Copyright**
 - Not available for software developed solely by federal government employees
 - Software may be patentable if integral/necessary for qualifying machine, manufacture, or process
 - Underlying concepts may be patentable





Patent Counsel

- Determines ownership of software
- Determines suitability of software for patent and/or copyright protection
- Identifies release restrictions





Export Control

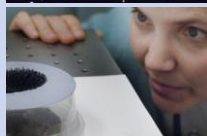
- **Determines export control requirements**
 - Complies with Export Control Laws
- **Provides guidance and oversight to ensure compliance with applicable laws**
 - State Department and Department of Commerce





IT Security

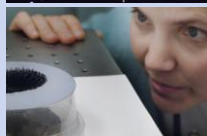
- **Performs IT Security Assessment**
 - Determines if software is classified
 - Establishes concurrence from CIO
 - Reviews IT security plan
- **Ensures the integrity of NASA IT systems**
 - Prevent unauthorized access to NASA computing resources





Software Release Authority

- **Chief of the IPP Office**
- **Reviews assessments of software**
- **Establishes release-level restrictions**
 - In accordance with NPR 2210.1A
- **Approves strategy and release level of software**
 - Commercial potential
 - Infusion positioning
 - Agreement limitations





Software Usage Agreement

- SRA Assistant processes SUA for signature
- Once SUA signed, inventor to disseminate software
- Limits use and access for strategic purposes
 - Competing projects
 - Avoid infringement on authoring contractors
 - Commercial sales
- NTR and release-level steps are required
- Release level determines SUA terms, conditions

SUAs protect Goddard interests

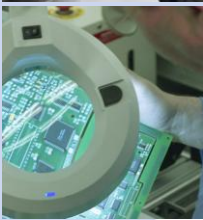
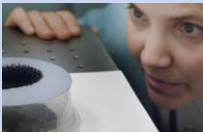




Other Outcomes: Awards

- **Acceptance of software for release**
 - \$1,000 for sole inventor
 - \$500 each for multiple inventors
- **Filing of patent application**
 - \$1,000 for sole inventor
 - \$500 each for multiple inventors
- **Techs approved for publication in *NASA Tech Briefs***
 - \$350 per author
- **Invention and Contributions Board Awards**
 - By application (NASA Form 1329)
 - Up to \$100,000

Software also can be submitted for external awards

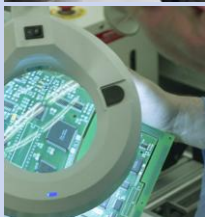
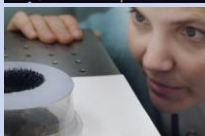




Without Proper Technology Transfer

- Lost royalties for inventor
- Lost royalties for the Center
- Lost external awards
- Lost recognition/credit for inventor, Center, and NASA

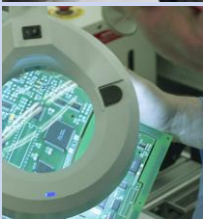
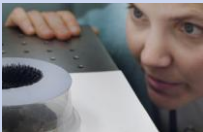
For example...





Summary

- **Technology Transfer is important for NASA, Goddard, the public, the economy, and you**
 - The Innovative Partnerships Program Office makes it happen
- **Software is intellectual property and should be reported (<http://entre.nasa.gov>)**
 - *It's required*
 - Better to file too early than too late
 - Allows Goddard to *protect* and leverage for new research and revenue opportunities
- **Software inventor is key in release process**
 - Creator is in best position to assure that software is not released inappropriately





For More Information

- **Web sites**
 - Electronic NTR submission: <http://entre.nasa.gov>
 - SRA process:
<http://ipp.gsfc.nasa.gov/SRA/index.html>
 - IPP Office: <http://ipp.gsfc.nasa.gov>
- **Software Release Authority Assistant**
 - Dale Clarke (IPPO)
 - Dale.L.Clarke@nasa.gov
 - (301) 286-2691

